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PART II.

JUDICIAL DEPARTMENT.

IN THE CHIEF COURT OF MYSORE AT BANGALORE.

CIVIL SIDE.

Rule of Practice No. 153, *dated* 28*th January* 1913.

The following rules regulating the grant of copies and the appointment of copyists in Civil Courts, framed by the Chief Court, having received the sanction of Government, are issued in supersession of the rules contained in Rule of Practice No. 148, dated 2nd June 1911:—

1. Every application for a copy of a document shall be made to the Court in which the record containing the document is. When such record has been despatched to the Central Record Room the application shall be forwarded to the Officer in charge and it shall thereupon be the duty of that officer to inform the Court what number of copying sheets are required for the copy. When the requisite number of sheets have been forwarded to the Officer in charge of the Central Record Room the copy shall be made without delay and shall be sent by post to the Court for delivery to the applicant. If the applicant so prefers, the application may be endorsed as admissible and may be returned to the applicant for presentation to the Officer in charge of the Central Record Room.

2. The application shall be presented by the applicant in person or by his pleader or by his pleader's registered gumasta to the Head Ministerial Officer or such other officer as the Court may appoint for this purpose, between the hours of 11 A.M. and 3 P.M. Every application shall set forth—

(*a*) the name of the applicant and his position (if any) in the suit or proceeding; also the name of his pleader and of his pleader's registered gumasta (if any); and

(*b*) the description of the document of which a copy is required.

3. Any application not containing the particulars required to be specified under Rule 2 is not to be admitted until it is amended in respect of the matters in which it is defective.

4. Parties to a suit are entitled at any stage of the proceedings to obtain copies of the record of the suit including exhibits which have been admitted in evidence.

5. A stranger to a suit may *after decree* obtain as of course copies of the plaint, written statements, affidavits and petitions filed in the suit and of the depositions of witnesses and may, for sufficient reason shown to the satisfaction of the Court, obtain copies of any such documents *before decree.*

6. A stranger to a suit may also obtain as of course copies of judgments, decrees or orders at any time after they have been passed or made.

7. A stranger to a suit wishing to obtain copies of exhibits admitted in evidence must apply by petition specifying the purpose for which such copies are required, and the Court may order the grant of the same.

8. Copies of correspondence not strictly judicial and generally of any confidential notes or proceedings, will not be granted.

9. When any party to a suit applies for a Kanarese translation of a decree which has been drawn up in English such translation shall be made and copy granted without payment of any extra fee.

10. Where any doubt arises as to whether the document, of which a copy is applied for, is one of which a copy can or ought to be granted, the Head Ministerial Officer or other officer, as the case may be, shall obtain the order of the Judge. If the application is refused by the Judge it will be returned to the applicant with the order of refusal endorsed thereon.

11. As soon as an application is admitted it shall be passed on to the examiner and shall be entered in the register of applications for copies. Where any application shows the date of institution but not the date of disposal of the connected record, the latter date will be ascertained from the office by the officer receiving the application and will be noted on the application before it is passed on.

12. When an application has been registered the record shall at once be obtained by the examiner from the record-keeper or clerk in whose possession it is and the applicant shall be informed as soon as practicable of the number of copying sheets required for the copy. He shall also be informed that the preparation of the copy will not be commenced until he has supplied in full the number of copying sheets stated to be required.

13. When the requisite number of copying sheets have been furnished a note will at once be made by the examiner in his register and a receipt in the prescribed form will be filled in and made over to the applicant. At the same time the examiner will fix and intimate to the applicant a date not exceeding ten days a head on which he should attend to ascertain whether the copy is ready or whether any additional copying sheets are required. Should the copy not be complete on the date so fixed, the applicant will be directed to attend on another date not exceeding ten days from the first date and so on. The successive dates on which the applicant is told to attend and on which he attends shall be entered on the receipt.

14. The preparation of copies shall, as far as possible, be undertaken in the order in which the applications are made, but precedence shall be given to the preparation of copies which are urgently required for the purpose of instituting suits, appeals or other proceedings or for the purpose of pending suits, appeals or other proceedings.

15. All copies other than those which are granted free of cost shall be made on impressed and ruled sheets of the value of two annas each. Each sheet contains sixteen lines on which copying is to be done. The exact number of words on each line is immaterial provided that the total on each sheet does not exceed 100 English or 150 Vernacular words and that as many two anna sheets are used (and no more) as are necessary to complete the copy at the above rate. Five figures will be regarded as equivalent to one word.

16. In the case of maps and plans no general rule can be laid down. A reasonable fee (proportionate to the skill, labour and time occupied in preparing the copy) shall in each case be fixed by the Court and deposited in cash by the party applying, in the same manner as for a commission under the Code of Civil Procedure. The whole of such fee shall be paid to the person employed in preparing the copy, he supplying his own materials. Such copies may be prepared by licensed copyists if, in the opinion of the Court, they are competent for the work.

17. On each copying sheet used four pies represent the payment to the Government on account of the cost of paper, cost of printing and the commission to the stamp vendors, etc.; the remaining one anna eight pies will represent the earnings of the copyist and examiner, the the former receiving one anna four pies and the latter four pies. When the copy is ready, the upper part of each stamp must be torn off each sheet along the perforated line and then signed by the copyists and examiner and kept till the end of the month.

18. The accounts of the copyists and examiners will be made up monthly, and the amounts due to each will be drawn by the Court or the officer in charge of the Central Records, on bills in the form to be prescribed by the Comptroller, giving the following particulars, *viz.*, the names of parties, the name of each copyist and examiner, the number of sheets copied or examined by each and the amounts claimed.

The amounts claimed should be taken from the stamp slips which should be defaced and attached to the bill.

19. At the close of each day all records and all undelivered copies and unused copying sheets shall be taken back from the copyists and secured for the night by the Head Ministerial Officer or such other officer as the Court may direct in that behalf. Unused stamp papers relating to finished copies as well as all finished copies shall be retained by such officer till they are required for delivery to the parties.

20. When the copy applied for has been prepared by the copyist, it shall be compared by the examiner aided by a reader who may be a copyist but in no case shall a copy be read to an examiner, nor shall the examiner be in any way assisted, by the copyist who prepared the copy. If in any Court no examiner has been appointed the best qualified of the copyists shall be selected for this work. No copies shall be examined by any salaried official of the Court nor shall such official receive any remuneration therefrom.

21. When a copy is ready it shall before delivery be certified and sealed in the manner prescribed by Section 76 of the Evidence Act. The certificate that it is a true copy shall be signed by the Head Ministerial Officer who shall initial every alteration or correction. The practice of making erasures by scratching out or otherwise effacing words is strictly prohibited. Corrections should be made by drawing a pen through the word to be cancelled and by writing the substituted word above the word so cancelled. Such copies shall not be filed in any Court unless and until the requisite Court fee stamps have been affixed thereto. Court fee labels shall be affixed to the first page of the copy and shall be cancelled by punching out with a square punch a portion of each label in such a manner as to remove neither the figure-head nor that part of the label upon which the value is expressed. The copy (if stamped) shall then be passed on to the clerk in charge of the daily register of Court fees who will make the necessary entries in his register and return the copy for delivery to the applicant.

In the case of copies issued by the Officer in charge of the Central Record Room a similar procedure will be observed.

22. When copies have been delivered the records shall at once be returned to the Record-keeper or clerk from whom they were obtained.

23. Copies will be delivered to the applicants concerned between the hours of 11-30 A.M. and 3 P.M. Unused copying sheets, if any, should not be retained in the office but should be attached to the copy for the preparation of which they were furnished and should be returned to the applicant together with the copy.

24. When any copies or any unused copying sheets are not claimed within twelve months from the date on which the copies were ready for delivery such copies and unused copying sheets shall be destroyed by or in the presence of the Judge, a note to that effect being made in the register of applications for copies.

25. Every copy shall bear an endorsement showing the following particulars :—

(1) Copy applied for on the
(2) Applicant told to appear on the
(3) Applicant appeared on the
(4) Copying stopped for want of copying sheets on the
(5) Additional copying sheets supplied on the
(6) Copy ready on the
(7) Copy delivered on the
(8) Copied by
(9) Examined by

The dates referred to in this rule shall be expressed in figures not in words and all corrections shall be properly attested. When certifying a copy the Head Ministerial Officer shall satisfy himself that these entries have been correctly made.

26. In case any applicant shall desire to have his copy sent to him by post the copy can be forwarded by registered packet, if the required charges are available otherwise by post. In every such case 'Copy posted' shall be substituted for 'Copy delivered' on the

endorsement referred to in Rule 25 and in columns 13 and 14 of the Register of Applications for copies the date of despatch will be entered and the signature of the despatching clerk taken.

27. The presiding Judge of each Court shall exmine the Register of Applications for copies at least once a month, and shall satisfy himself that applications for copies are complied with without any undue delay and that the copying work is so distributed as to ensure, as far as possible, an equal income to all the copyists.

28. A fixed number of copyists and an examiner (when necessary) will be appointed by the presiding officer of each Court. The number should be so regulated as to ensure for each copyist a monthly income of not less than Rs. 10 and for an examiner not less than Rs. 12. As a rule no one should be appointed as a copyist unless he is a passed candidate acquainted with English and Kanarese and is able to write a good hand and preference should be given to candidates who are proficient in typewriting.

29. The Judge of every Court subordinate to a District Court shall, at the commencement of each quarter, submit a statement showing the names of copyists employed in his Court, the amount of fees earned by each, the number of applications received, the number disposed of and the number pending with the date of the oldest pending application. Any marked difference in the sums earned by different copyists and any undue delay in the disposal of applications should be explained in the column of remarks. The District Judge will forward the statements to the Chief Court together with a similar statement for his own Court.

30. If the Judge finds that there is more work than can be performed without undue delay by the copyists attached to the Court he may increase the number. If the fees collected are not sufficient to ensure to each copyist and examiner, the minimum income mentioned in Rule 28 he may curtail the number. Such increase or decrease shall be subject to the approval of the District Judge or the Chief Court as the case may be.

31. The granting of copies in all Civil Courts, including those exercising Criminal powers, shall be governed by these rules, and there shall be only one establishment of copyists and examiner for both sides of the Court.

32. These rules apply *mutatis mutandis* to the copying establishment of the Chief Court, the powers conferred on Judges under the rules being exercised by the Registrar or such other responsible officer as the Chief Judge may direct.

33. Nothing contained in these rules shall apply to printed copies or to copies which under any provision of law or rule having the force of law, the Courts are required to grant free of cost. Copies which have to be granted free of cost shall be made by the regular establishment of the Courts.

REGISTER OF APPLICATION FOR COPIES.

Serial No.	Date of application	Name of applicant	Description of document of which copy is applied for	Date or dates on which applicant was told to appear	Date or dates on which applicant appeared	Number of copying sheets supplied	Date on which copying was stopped for want of copying sheets	Date on which additional copying sheets were supplied	Number of additional copying sheets supplied	Date on which copy was ready	Cost of preparing copy	Date of delivery or despatch by post to applicant	Signature of applicant or despatching clerk	Unexpended balance of copying sheets		
														Number	Date of disposal	By refund to applicant
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	

RECEIPT FOR COPYING FEES.

(To be produced at the time of appearing to take delivery of copy.)

Name of applicant.....

Description of document.....

Dates of supplying copying sheets	Number of copying sheets supplied from time to time	Date on which the applicant is told to appear	Initials of examiner	Date on which the applicant appears	Copying stopped for want of copying sheets	Balance of copying sheets returned
1	2	3	4	5	6	7

Col. 1 Date of each supply should be separately noted.
Col. 2. Number of copying sheets supplied should be separately noted.
Col. 3. Each date fixed for appearance should be noted.
Col. 4. Each set of entries in columns 1 to 3 should be initialled.

BANGALORE DISTRICT.

Dated 19th January 1913.

Descriptive roll of the two accused persons that escaped from the custody of the Bangalore City Police on 4th January 1913.

(1) Name.—Sheik Peera *a* Syed Kasim *a* Chotta.
Father's name.—Abdulla.
Age.—About 22 years.
Caste.—Mahomedan.
Residence.—Blackpalli, Civil and Military Station, Bangalore.
Complexion.—Fair.
Height.—5 feet.
Face.—Clean shaven; round with small-pox marks; second finger of the left hand short; scars here and there in the body; can sing; talks Hindustani, Tamil, Telugu and Kanarese. When he escaped, he wore a white shirt, white turban and white kaki trousers.

(2) Name.—Kappanna.
Father's name.—Mudda Nanjappa.
Caste.—Sivachar.
Age.—About 23 years.
Height.—5′—3½″.
Complexion.—Dark.
Face.—Long with small-pox marks; wears silver karadige; when he escaped, he wore a white coat, white shirt, and a white Bombay panchay. Talks Hindustani, Kanarese and Telugu.

Note.—Information, if any, leading to the arrest of the above two individuals may be given to the Chief Inspector of Police, Bangalore City.

T. THUMBOO CHETTY,
Superintendent of Police.